

Yale Law Review: War Crimes  
Vol 80, No 7

Dec. 11 - NYU Conference

- > 1. An inhibition against using/  
releasing PP earlier <sup>was</sup> that  
CBJ was not to be scooped.  
(Halperin: "after CBJ's book has come out...")
- (3) Fear of retribution
- (6) Feeling that CBJ "owned" info  
- or that McN owned info  
[NOT Laniel, Butler, Nixon]

✓  
A. [Is an ex-President (or Pres) equal before  
the law? Is he subject to any law?]

Y  
X  
B. Can an official — or Gov — or Exec/Admin —  
own info?

[Suppose Fulbright — or his staff — had  
given papers to NYT? McG, McC?]

C.

[Senate:  
Subpoena files of AE from RAND.]

Are "theft", "larceny", "conversion" equivalents?

Lesson:

- Secrecy
- Rummeling
- Grand juries (use as investigators).
- inherent advantages of prosecutor in federal case
  - pros. opens + closes case
  - peremptory challenge of by pros.
  - no voir dire by defense of jurors
  - collection of data on jurors by pros.  
(every vote of every juror)
  - use of immunity to witnesses + co-conspirators.

Secrecy: Memoirs

Ransom

Secrecy manuals

Moorehead Hearings

Official Secrets Act

(Fortune - as the pathology of coercion)

The Secret Society



On secrecy:

1. Admin sanctions are now than adequate.

(Look at business data

FBI

HEW...)

2. "Real" secrets are not 90% of classified data  
but  $\frac{1}{2}\%$ . System to keep those

(a) already exists, separately! SI, Q... NSA...

(b) [Abolish criminal sanctions for  
C, S, TS! ; + process for  
review.]

(b) would look quite different.

3.

7.

3. Should educate officials that they  
must not conceal info relating to crimes, disruptions

4. Leaks: (a) Within system

(b) News-management

(c) Ignored - even when hostile.

[DE, press: effect of Hidden History on  
- Pres decision-making  
- democratic gov

See Revisionist history of CW.